



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

ORLITZKY, Anton., et al.

Serial No.: 10/563,791

Filed: July 7, 2004

For: REUSABLE FLUID DISPENSER

Customer No.: 27111

Confirmation No.: 2967

Group Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

Docket No.: BFETH-1036832
[formerly BFETH 1025789]

"EXPRESS MAIL" MAILING LABEL NUMBER: EQ 793152362 US

DATE OF DEPOSIT: NOVEMBER 13, 2006

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" AND MAILED TO MAIL STOP AMENDMENT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 ON THE DATE INDICATED ABOVE.

Wanda Alleje

Wanda Alleje

**COMMUNICATION TO EXAMINER AND
RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE**

Mail Stop **MISSING PARTS**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Communication is being filed in response to a Notification of Defective Response dated October 12, 2006, in which the Examiner stated that the first name of the first inventor does not correspond with the name on the published application.

The Applicants respectfully request re-consideration. The name on the published priority application is "Tony". The name on the present application is "Anton".

"Tony" is a common short form nickname of "Anton".

The priority application (which was not filed in the United States) used the inventor's short form nickname.

The Applicants understand that under US practice, the inventor's correct legal name is to be used. Thus, the inventor's name is listed as "Anton" on the present application. Note: the Declaration that is signed by the inventor properly uses "Anton".

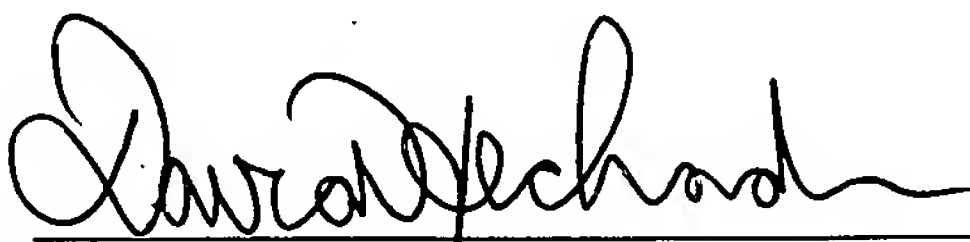
The Applicants submit that the named inventor should not be forced to use his nickname to secure a US filing date. Therefore, withdrawal of the present Notification of Defective Response is thus requested.

After fully reviewing the file, the Applicants have also noted that the Patent Office has misspelled the inventor's last name. The correct spelling is Orlitzzky. The Applicants used an incorrect spelling (i.e.: Orlitzsky) on the January 6, 2006 Transmittal Letter. However, the correct spelling was used by the Applicants on the Declaration and on the Application Data Sheet. On the Notification of Defective Response, the Patent Office used the incorrect spelling of Orlitzsky. The Applicants respectfully request the Patent Office use the correct spelling (i.e.: Orlitzzky). Enclosed herewith are a copy of the Application Data Sheets as filed with the correct information.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account **50-1990** and please credit any excess fees to such deposit account, referencing to Attorney Docket No. **BFETH-1036832**.

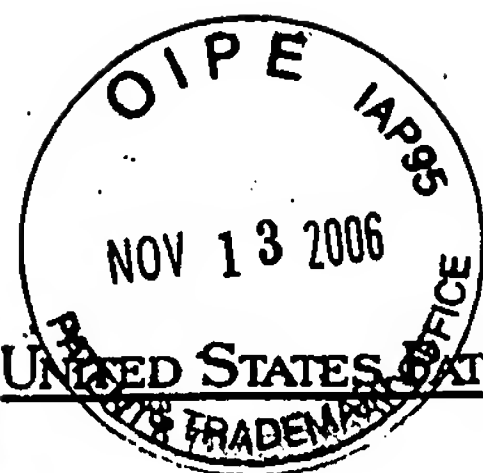
Respectfully submitted,

Dated: November 13, 2006

By: 
David R. Heckadon
Registration No. 50,184

**Please recognize our Customer No. 27111
as our correspondence address.**

David R. Heckadon
GORDON & REES, LLP
101 West Broadway, Suite 1600
San Diego, California 92101-8217
Phone: (415) 875-3266 (direct)
Phone: (415) 986-5900 (main)
Facsimile: (415) 986-8054



UNITED STATES PATENT AND TRADEMARK OFFICE

COPY

Page 1 of 2

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/563,791	Anton Orlitsky	BFETH 1025789

INTERNATIONAL APPLICATION NO.
PCT/CA04/00994

I.A. FILING DATE	PRIORITY DATE
07/07/2004	07/07/2003

Katherine Proctor
Gordon & Rees
101 West Broadway
Suite 1600
San Diego, CA 92101

CONFIRMATION NO. 2967

371 FORMALITIES LETTER



OC000000020800855

Date Mailed: 10/12/2006

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 01/06/2006
- Copy of the International Search Report filed on 01/06/2006
- Copy of IPE Report filed on 01/06/2006
- Preliminary Amendments filed on 01/06/2006
- Oath or Declaration filed on 08/11/2006
- Small-Entity Statement filed on 01/06/2006
- U.S. Basic National Fees filed on 01/06/2006
- Priority Documents filed on 01/06/2006
- Specification filed on 01/06/2006
- Claims filed on 01/06/2006
- Abstracts filed on 01/06/2006
- Drawings filed on 01/06/2006

Applicant's response filed 08/11/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 04/11/2006 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
 - The first name of the first inventor does not correspond with the name that is on the published application.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

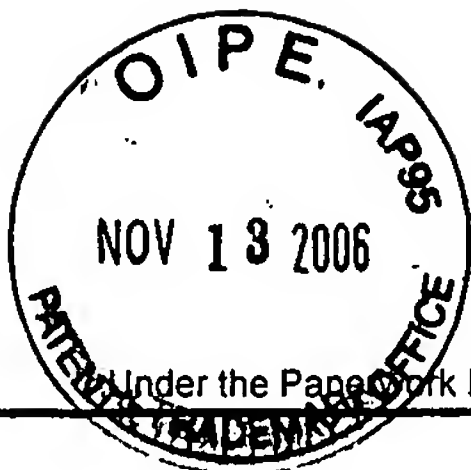
WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/563,791	PCT/CA04/00994	BFETH 1025789

FORM PCT/DO/EO/916 (371 Formalities Notice)



11-14-06

I FW

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

12

Application Number

10/563,791

Filing Date

January 6, 2006

International Filing Date

July 7, 2004

First Named Inventor

ORLITZKY, Anton

Art Unit

Not Yet Assigned

Examiner Name

Not Yet Assigned

Attorney Docket Number

BFETH-1036832 [formerly BFETH 1025789]

ENCLOSURES (Check all that apply)☐ Fee Transmittal Form (in duplicate)☐ Fee Attached☐ Amendment/Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☒ Response to Missing Parts/
Incomplete Application☒ Communication and Response to
Notification of Defective Response☐ Replacement Drawing(s) ___ sheets☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a
Provisional Application☐ Combined Declaration & POA by
Inventors☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) _____☐ Landscape Table on CD☐ After Allowance Communication to TC☐ Appeal Communication to Board
of Appeals and Interferences☐ Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☐ Other Enclosure(s) (please identify
below):

1. Application Data Sheet;
2. Copy of Notification of Defective Response; and
3. Return Receipt Postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

GORDON & REES, LLP
[Customer No. 27111]

Signature

Printed name

David R. Heckadon

Date

November 13, 2006

Reg. No.

50,184

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as Express Mail, Express Mail Label No. EQ 793152362 US in an envelope addressed to: MAIL STOP MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature

Typed or printed name

Wanda Alleje

Date

November 13, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

American LegalNet, Inc.
www.USCourtForms.com